

HB0041



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB0041

Introduced 1/19/2007, by Rep. Tom Cross - Sandra M. Pihos - Brent Hassert - JoAnn D. Osmond - Elizabeth Coulson, et al.

SYNOPSIS AS INTRODUCED:

720 ILCS 135/2

from Ch. 134, par. 16.5

Amends the Harassing and Obscene Communications Act. Increases from a Class 4 felony to a Class 3 felony any violation of the Act if, in the course of the offense, the offender threatened to kill the victim or any member of the victim's family or household.

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CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Harassing and Obscene Communications Act is
5 amended by changing Section 2 as follows:

6 (720 ILCS 135/2) (from Ch. 134, par. 16.5)

7 Sec. 2. Sentence.

8 (a) Except as provided in subsection (b), a person who
9 violates any of the provisions of Section 1, 1-1, or 1-2 of
10 this Act is guilty of a Class B misdemeanor. Except as provided
11 in subsection (b), a second or subsequent violation of Section
12 1, 1-1, or 1-2 of this Act is a Class A misdemeanor, for which
13 the court shall impose a minimum of 14 days in jail or, if
14 public or community service is established in the county in
15 which the offender was convicted, 240 hours of public or
16 community service.

17 (b) In any of the following circumstances, a person who
18 violates Section 1, 1-1, or 1-2 of this Act shall be guilty of
19 a Class 4 felony:

20 (1) The person has 3 or more prior violations in the
21 last 10 years of harassment by telephone under Section 1-1
22 of this Act, harassment through electronic communications
23 under Section 1-2 of this Act, or any similar offense of

1 any state;

2 (2) The person has previously violated the harassment
3 by telephone provisions of Section 1-1 of this Act or the
4 harassment through electronic communications provisions of
5 Section 1-2 of this Act or committed any similar offense in
6 any state with the same victim or a member of the victim's
7 family or household;

8 (3) At the time of the offense, the offender was under
9 conditions of bail, probation, mandatory supervised
10 release or was the subject of an order of protection, in
11 this or any other state, prohibiting contact with the
12 victim or any member of the victim's family or household;

13 (4) (Blank) ~~In the course of the offense, the offender~~
14 ~~threatened to kill the victim or any member of the victim's~~
15 ~~family or household;~~

16 (5) The person has been convicted in the last 10 years
17 of a forcible felony as defined in Section 2-8 of the
18 Criminal Code of 1961; or

19 (6) The person violates paragraph (4.1) of Section 1-1
20 or paragraph (3.1) of subsection (a) of Section 1-2.

21 (c) Any violation of Section 1, 1-1, or 1-2 is a Class 3
22 felony if, in the course of the offense, the offender
23 threatened to kill the victim or any member of the victim's
24 family or household.

25 (Source: P.A. 90-578, eff. 6-1-98; 91-878, eff. 1-1-01.)